

# CITY OF SAN BRUNO

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## STAFF

Tom Williams  
*Community Development Director*  
Mark Sullivan, AICP, *Housing and  
Redevelopment Manager*  
Aaron Akin, AICP, *Associate Planner*  
Pamela Thompson, *City Attorney*  
Tanya Benedik, *Recording Secretary*  
Adam Finestone,  
*Interim Department Secretary*

## PLANNING COMMISSIONERS

Perry Petersen, *Chair*  
Joe Sammut, *Vice-Chair*  
Mary Lou Johnson  
Bob Marshall Jr.  
Kevin Chase

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## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING COMMISSION MINUTES

October 19, 2004  
San Bruno Senior Center  
1555 Crystal Springs Blvd.  
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:10 p.m.

### ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Petersen	X	
Vice Chair Sammut	X	
Commissioner Johnson		X
Commissioner Marshall	X	
Commissioner Chase	X	

### STAFF PRESENT:

Planning Division: Community Development Director: Tom Williams  
Housing and Redevelopment Manager: Mark Sullivan  
Associate Planner: Aaron Akin  
Community Development Secretary: Tanya Benedik  
Interim Department Secretary: Adam Finestone

City Attorney: Pamela Thompson

Pledge of Allegiance **Vice Chair Sammut**

1. **Approval of Minutes** **August / September**  
**Motion Chase/Second Sammut**

2. **Communication**

Community Development Director Williams re: brochure on Residential Care Facilities in the Neighborhood from Associate Planner Akin handed out to the Commissioners

### 3. Public Comment

#### 4. 130 Parkview Drive

Request for a use permit to allow construction of an addition which proposes a .52 lot coverage per section 12.200.030.B.3 of the San Bruno Zoning Ordinance. – Rich Baltzer  
(Owner/Applicant)

Associate Planner Aknin entered staff report. Staff recommends that the Planning Commission **approve Use Permit 04-42**, based on Findings of Fact (1-8) and Conditions of Approval (1-15).

Commissioner Chase asked if there have been any additions done to this property previous to this request. Associate Planner Aknin stated that there had not.

Chair Petersen asked for clarification of the fact that if the proposed addition were on the second floor, a Use Permit would not be required. Associate Planner Aknin confirmed this, stating that the project falls well below the .55 Floor Area Ratio and thus would not trigger Planning Commission review.

#### Public Hearing Opened

Owner of property Rich Baltzer @ 130 Parkview Dr. was present to answer any questions. Vice Chair Sammut questioned if the property owner resided at the residence, and if he planned to reside there once the proposed project was completed. He also questioned the number of residents and staff. Mr. Baltzer stated that this would be a 6 patient facility, one bedroom will be a shared bedroom. There would be a minimum of 2 staff members at all times. He also stated that he does currently live at the property, but will not live there after the proposed project is complete. Vice Chair Sammut questioned the location of staff quarters, and if staff would be driving to/parking at the project address. Mr. Baltzer stated that only one of his employees drives, and that she would not be on site overnight. He also showed the location of the staff quarters on the drawings.

Chair Petersen addressed the City Attorney regarding the reason that this project is up for a Use Permit. He questioned if it is appropriate to take on lines of questioning regarding a use that may or may not come into affect. City Attorney Thompson stated that questions regarding the proposed use may be asked for informational purposes, however that the ultimate decision on the project must be based on the whether a conditional use permit would be allowed for construction purposes. She stated that the proposed use of the property (a residential care facility) is not relevant to the inquiry.

Commissioner Marshall addressed the City Attorney regarding the correctness/completeness of the plans, as rooms are not labeled as they are to be used. City Attorney Thompson replied that it is appropriate to have an accurate description of what the rooms will be used as. Commissioner Marshall also asked Rich Baltzer (the applicant) whether he had spoken with the neighbors regarding the project. Mr. Baltzer replied that he had not. Commissioner Marshall expressed his disappointment that this had not happened. Mr. Baltzer apologized for this.

Vice Chair Sammut stated that he believes there should be no mention of staff quarters and/or parking issues in the staff report if those issues are not pertinent to the use permit being considered. He mentioned that Condition of Approval #9 directly addresses this, and is not sure why the condition is included if staff/visitor parking is not relevant to the use permit. Community Development Director Williams stated that if the applicant agrees to measures above and beyond state requirements, these can be added as conditions of approval for the project. Vice

Chair Sammut stated that he believes that the parking issues are relevant to the project since they are in the staff report. City Attorney Thompson clarified that the Commission does have the right to question anything contained in the staff report for background purposes, however their decision must be based on the reason the use permit is up for approval.

Chair Petersen asked the City Attorney if a Commissioner believed the intensity of use was too great for the site, would that Commissioner be allowed to deny the permit based on this finding. City Attorney Thompson stated that if all factors that would usually be applied for a construction addition were utilized, then yes, a Commissioner could deny the permit based on these grounds.

Mr. Peloso, 131 Parkview Dr., wished to address Associate Planner Akin regarding the staff report. City Attorney Thompson informed Mr. Peloso that all inquiries must be directed to the Planning Commission, not City staff. Mr. Peloso questioned whether the staff report was correct in stating that no previous additions had been made to this property. He claimed that there had previously been a 600 sq. ft. addition. Chair Petersen directed this inquiry to Associate Planner Akin, who admitted a possible oversight. However, Associate Planner Akin stated that this oversight would not have any affect on staff's recommendation. Chair Petersen asked staff to research this possible omission. Mr. Peloso also cited section 1169.82 of the HNS, which states that sufficient numbers of residential care facilities should be commensurate with local need. He questioned who defines "local need". He claimed that he believes there are currently 33 residential care facilities already in the City. Chair Petersen referred this question of "local need" to City Attorney Thompson, who stated that it is her belief that the only limitation on a residential care facility with 6 or fewer residents has to do with an over-concentration of facilities within close proximity to one another. She stated that she believes that staff had already made a determination that this proposed location would not create an over-concentration. She also stated that the City of San Bruno Municipal Code provides that special residential care facilities are permitted by right in an R1 zone, which is another limiting factor. After fielding another question from Mr. Peloso regarding the need for this particular facility, City Attorney Thompson clarified the purpose of the Planning Commission's public hearing. Chair Petersen stated that he has been fairly liberal with time as he believes that Mr. Peloso's concerns are shared by a number of other citizens in attendance. Vice Chair Sammut stated that the brochure distributed by Associate Planner Akin entitled "Residential Care Facilities in the Neighborhood" states that a residential care facility housing 6 or fewer patients must be treated the same as a single family home, and as a result, small residential care facilities are exempt from local land use and zoning restrictions, taxes and fees that do not apply to single family homes. These facilities are not required to notify local authorities or neighbors of their intent to operate. Due to these provisions, Vice Chair Sammut stated that tonight's discussion should focus on any impact that the addition to the rear of the residence would have on the neighbors. Thus, Vice Chair Sammut does not want to take arguments regarding the proposed use of this property. Mr. Peloso stated that he feels the size of the proposed residence is an abomination. Also, he stated that the neighborhood has had a problem with parking, particularly on weekends.

Mr. Devlin, 121 De Soto, asked who issues related to the residential care facility should be directed to. City Attorney Thompson clarified that public comment can address anything related to this project. Mr. Devlin stated that he believes the biggest concern will be parking. He again asked who to direct his questions regarding the use to. Chair Petersen directed Mr. Devlin to start at the Planning Department at City Hall. He also asked for clarification on Mr. Devlin's support/opposition of this permit. Mr. Devlin stated that he is opposed to the use. Commissioner Marshall reinforced that public comment can be on any aspect of the property, however that the Commission does not have to respond. Mr. Devlin asked who monitors the guidelines for residential care facilities. He also questioned who makes the findings contained in the report. Chair Petersen stated that the Planning Department made the findings of fact. It

is the Commission's job to determine if the findings and conditions appear reasonable. Mr. Devlin asked if the findings were made with the input of the surrounding neighborhood. Chair Petersen stated that it is his belief that staff made their findings based on previous experience within the City. He also stated that the City has had many applications for projects of similar nature, and that this hearing is one of the most well-attended. Mr. Devlin asked if more evaluation of this application is necessary based on Chair Petersen's statement. Chair Petersen stated that one of the options for the Commission is to continue this application in order to obtain more information. Mr. Devlin asked if there is a time limit from when the construction is approved and completed until the property is occupied for the proposed use. Chair Petersen stated that there is typically not.

Mr. Kanikaros, Parkview Dr., spoke to the issue of saturation. He asked for the criteria used for saturation limits for this City.

Chair Petersen stated that it is not required to give a street number, only a name and street name, in order to protect privacy if so desired.

Mr. Pacero, 160 Parkview Dr., stated that he purchased his property in this specific neighborhood in part due to the quiet character of the neighborhood. He said that the information he was given does not state how close the back of the residence is to the property line, where there is an easement for utility services. He stated that in times of foul weather he will realize a significant amount of construction debris as his property is downhill from the property being considered. He stated that he believes the staff report should have been sent out ahead of time so that concerned citizens could review it. He also seconded the parking issues, particularly the ability for emergency vehicles to access the property, and the impacts of said emergency vehicles. He stated that this could present safety concerns for both residents of the care facility and the neighborhood.

Rene Miller, Parkview Dr., stated that she is completely against the project. The proposal for an addition to this property in a residential area is for the sole commercial interest of one man. She stated that this is a business and does not belong in a residential neighborhood. She also restated the parking/emergency vehicle concerns previously voiced. Many residents have lived on Parkview Drive their whole lives, and they oppose the El Camino-like commercialization of their street.

Mr. Weiner, Parkview Dr., stated that he has never seen the applicant, who was advised to discuss his project with his neighbors. He believes that the applicant has other properties with uses of this nature elsewhere. He believes that the applicant bought this property with no intention of living there. Denying neighbors to have a say in what their neighborhood should be is not right. They should have a right to know what is going on in their neighborhood. Chair Petersen asked Mr. Weiner to clarify his position on this issue. Mr. Weiner stated that he is in agreement with most of his neighbors.

Josephine, 171 Parkview Dr., a 48 year resident, voiced her concerns regarding parking.

Mr. Thomas, Parkview Dr., questioned the rumors of what will come next. He mentioned that he had heard that the applicant desired to purchase the property directly next door to the property being considered, and wished to open two facilities side-by-side. If that is the case, Mr. Thomas believes that it would blow the idea of a residential neighborhood out of the water. He encouraged the Commissioners to use any discretion possible to not let this happen in a very fine neighborhood and community.

Ms. Regora, 7 Parkview Dr., stated that she moved to the neighborhood for piece-of-mind. She is against this proposal. She stated that she was informed that the man who bought the property was a bachelor who would live at the property. She was also informed that the applicant worked for Marshall Realty, (to which Commissioner Marshall acknowledged that he had heard the same rumor). She also stated that the garage door was painted white, and that it is ridiculous to have a white garage door if it is intended for a car to be parked in it. She believes that if the applicant is approved for this permit, it will wreck the whole neighborhood. She also reiterated the lack of parking/parking issues on Parkview Dr..

Mr. Donohue, Parkview Dr., addressed the issue of there being 6 bathrooms/toilets at the proposed residence, and asked if that were a common occurrence. Chair Petersen responded in the negative. Mr. Donohue addressed drainage issues per Public Works condition #12. He also addressed the front ramp, which he said was not addressed on the front elevation, but was on the floor plan. He questioned if this ramp would be an eyesore. He also asked if it is required to have a closet in something that is labeled on plans as a bedroom. He addressed condition #4 regarding the ability to have 60 decibels of noise between 10 pm and 7 am. Chair Petersen replied that 60 decibels is not much.

Mr. Avengalis, De Soto Way, stated that if this would be a care facility, he believes that applicant should be allowed to have a go at it at the current size.

Mr. Regoro, 1630 Parkview Dr., stated he is against the project. He believes that the applicant had tried to purchase the property at 120 Parkview Dr., but was turned down. He believes that this shows intent to open a residential care facility. He believes that the applicant does not care about the neighborhood, and is just in it for profit. He addressed parking concerns, noise concerns, emergency vehicle concerns, utility concerns, and service concerns. He stated that if an need for emergency access were to arise on a Sunday, that a fire truck would not be able to get there with all the people double parked by the park. He believes that the proposal will wreck the neighborhood, and suggested that this project be referred to the City Council.

Mr. Donohue, 140 Parkview Dr., addressed the issue of local need. He stated that San Bruno is not a large City and that he believes 33 of these facilities is enough. He also addressed that the construction will directly affect him as he is directly next door to the project. He also addressed the parking concerns, landscaping concerns, property value depreciation due to the care facility next door.

### Public Hearing Closed

Commissioner Marshall went on the record to state that he has no interest in the property, and that the applicant does not, and never has, worked for Marshall Realty. Commissioner Chase stated that it is evident that the community is against the use of this project. However, the commission must make its decision based on lot coverage. He acknowledges that parking is a huge issue. Chair Petersen stated that a decision would be made tonight. That decision could either be to continue the application, approve the application, deny the application, or approve the application with modifications. The commission does have the ability to deny the application and ask staff to provide findings to support that. Commissioner Marshall stated his dissatisfaction with a few aspects of the staff report and the building plans. First, he believes that the applicant misrepresented his plans to occupy the property himself. Secondly, the Architectural Review Committee recommended that the applicant speak with the neighbors, which was not done. He also believes that the elevations do not show accurate plans for an access ramp, as stated by Mr. Donohue during public comment, and that the rooms are not marked correctly. Because of these issues, he would recommend denial based on incomplete plans. Commissioner Chase expressed his disagreement with Commissioner Marshall

regarding the applicant's living on the property. Otherwise, he agreed with Commissioner Marshall regarding issues related to this project. His biggest concern was that the applicant did not follow up on the recommendation of the Architectural Review Committee regarding speaking with the neighbors. Vice Chair Sammut disagreed with Commissioner Marshall in that the neighbors in attendance are not here for any reason other than the proposed use of this residence. He does not believe that a continuance would change anything with regard to neighborhood opinion. He stated that he would advise the applicant to rework his plans, and that if the plans came in within the design guidelines, the neighbors would have no say in what goes in. Commissioner Chase commented that clearer communication between the applicant and his neighbors would have been beneficial to all parties involved. Chair Petersen stated that a motion for denial will require staff to provide findings supporting this. City Attorney Thompson clarified that the Commissioners are required to provide suggestions to staff for reasons for denial and that staff would then have to provide findings to support these reasons. Chair Petersen directed staff to provide findings for denial based on the increased intensity of this property due to the size of the addition resulting in parking impacts, potential noise impacts. Vice Chair Sammut stated that he believes the only legal reason for denial is that the project exceeds lot coverage. Chair Petersen agreed with Vice Chair Sammut. Commissioner Marshall recommended that reason's for denial be incomplete application and failure to comply with Architectural Review Committee recommendations as he is not wishing to deny based on lot coverage. City Attorney Thompson recommended that the Commissioners site findings for approval in the staff report that have not been met in order to guide staff in reasons for denial. Chair Petersen questioned whether parking issues could be a condition of approval since this is being considered as a conditional use permit. Vice Chair Sammut stated that he does not believe that parking has ever been considered as a condition of approval outside for a residential addition of parking required for a single-family residence. City Attorney Thompson stated that her understanding of reasons for denial as stated by the commission are an incomplete application, and failure to follow recommendations made by the Architectural Review Committee. She also suggested that the Commissioners site conditions for approval #6 and #7. Commissioner Chase stated that he would like to set out exact reasons for denial rather than deny the project and allow staff to come up with reasons for denial. Vice Chair Sammut stated his agreement with Commissioner Chase. He stated that he believes that three solid reasons for denial exist and have been discussed. They are exceeding lot coverage, submitting incomplete plans, and failure to follow recommendations of the Architectural Review Committee. Chair Petersen stated his agreement with Vice Chair Sammut for reasons of denial. He also suggested that staff review the record of tonight's meeting to determine if any other possible conditions for denial discussed here may be applicable. Commissioner Chase stated that he is comfortable adding the failure to meet condition #7 of the staff report as a reason for denial. Commissioner Marshall stated that he believes the commission is making it too difficult on itself to deny the application. He stated that he feels it is enough to deny the application based on incompleteness and failure to adhere to the Architectural Review Committee's recommendations. Community Development Director stated that a simple way to deny the application is to state that they cannot make findings #6 and #7 of the staff report. Chair Petersen stated that he agrees with Vice Chair Sammut's list of reasons for denial. He asked Vice Chair Sammut if it would be correct to state that he is making a motion for denial without prejudice based on lot coverage, noncompliance with Architectural Review Committee recommendation, and incomplete application.

**Motion Sammut/Second Marshall (denial without prejudice)**

VOTE:

AYES: 4

NOES: 0

ABSTAIN:

(Chair Petersen advised of 10-day appeal period. He also thanked the public for their input.)

### **FINDINGS FOR DENIAL**

1. Applicant failed to submit a complete application showing all modifications being made to the outside of the house.
2. Project exceeds allowable lot coverage as defined in Section 12.96.060 of the San Bruno Municipal Code.
3. Failure to comply with all recommendations of the Architectural Review Committee.

**Chair Petersen called a 5-minute recess.**

#### **5. 1590 El Camino Real**

Request for a conditional use permit to allow installation of a wireless communications facility per Chapter 12.112 & 12.96 of the San Bruno Zoning Ordinance – The Alaris Group, applicant; Jose Montes, property owner.

Associate Planner Aknin entered staff report. Staff recommends that the Planning Commission **approve** Use Permit 04-19 based on Findings of Fact (1-8) and Conditions of Approval (1-9).

#### **Public Hearing Opened**

Applicant Mr. Svens, Alaris Group, on behalf of AT&T Wireless, stated that he worked closely with Associate Planner Aknin to provide a project that meets all regulations. He cited 1996 Federal Communications Commission exposure limits, and stated that cell sites typically fall within ½ - 1 % under the limits. He compared the exposure from a cellular antenna to that of a microwave, television or radio.

Commissioner Chase thanked the applicant for keeping his report brief.

#### **Public Hearing Closed**

### **Motion Sammut/Second Chase (based on Findings for Approval 1-8, Conditions for Approval 1-9)**

VOTE:  
AYES: 4  
NOES: 0  
ABSTAIN:

(Chair Petersen advised of 10-day appeal period.)

### **FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times on October 9, 2004 and notice mailed to property owners within 300 feet of the project site on October 9, 2004.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commissions' final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The planned development permit to install a telecommunications facility at 1590 El Camino Real will not be injurious or detrimental to properties and improvements in the neighborhood or to the general welfare of the City because the equipment is minimal in size and there are no discernable health risks associated with this type of technology.
5. The general appearances of the antennae are in keeping with the character of the area and will not be detrimental to the adjacent real property.
6. The proposed cell site will not unreasonably restrict or interfere with light and air on the property and other properties in the vicinity, will not hinder or discourage the appropriate development and use of surrounding land and buildings, nor impair the value thereof, and is consistent with the design and scale of existing structures. The antennae should not have any impact on light and air to adjacent properties.
7. The construction of the antennae is consistent with the San Bruno General Plan, which allows for accessory structures.
8. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 11, Section 15311: Construction of minor structures accessory to existing commercial facilities.

## **CONDITIONS FOR APPROVAL**

### **Community Development Conditions (1-9)**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed the Use Permit (UP-04-19) shall not be valid for any purpose. The use permit expires one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one-year date.
2. The proposed installation of a wireless communications facility at 1590 El Camino Real shall be built according to the plans and photo simulations approved by the Planning Commission on October 19, 2004 except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Director of Planning and Building.
3. The applicant shall obtain a City building permit before construction can proceed.



4. The antennas and facility shall be installed and painted according to the photo simulations presented in the staff report. All mechanical equipment must be screened from view.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.
6. All graffiti shall be removed within 24 hours of reporting.
7. Should this facility cease to operate for a period of six months, all appurtenant structures shall be removed by the applicant.
8. No signs shall be placed on or attached to the antennae.
9. Provide architect or engineer wet-signed/stamped drawings for Building Department review.

## **6. 2101 Sneath Lane**

Request for a conditional use permit to allow installation of a wireless communications facility which would exceed the 35' height limit per Chapter 12.112 & 12.96 of the San Bruno Zoning Ordinance – The Alaris Group, applicant; Park School District, property owner.

Associate Planner Akin entered staff report. Staff recommends that the Planning Commission **approve** Use Permit 04-44 based on Findings of Fact (1-8) and Conditions of Approval (1-10).

Vice Chair Sammut asked how the commission will know if the driving range ceases to operate, as this application is contingent upon the continued operation of the driving range. Associate Planner Akin stated that it would be the responsibility of either the applicant or property owner to inform the City of a cessation in operation. This would likely be accomplished through the application for a demolition permit with the City building department. Vice Chair Sammut stated that there needs to be a way to monitor the condition of approval #16. Chair Petersen questioned if the permit goes to the owner for the benefit of the applicant. Associate Planner Akin stated that the permit can be taken out by whoever is the applicant provided that the owner gives consent. Vice Chair Sammut proposed requiring the property owner to inform the City of any cessation of operation. Commissioner Chase clarified that it is if the cellular facility ceases to operate, not the driving range on which it sits, then it must be removed.

### Public Hearing Opened

Applicant Mr. Svens, Alaris Group, made himself available for questions from the Commissioners. Vice Chair Sammut asked whether the antenna would be painted. Mr. Svens replied that it would be painted to match the post on which it will be mounted. Vice Chair Sammut also asked what type of fencing will surround the equipment area. Mr. Svens stated that it will be slats that are green in color. Mr. Svens thanked Associate Planner Akin for his assistance.

### Public Hearing Closed

### **Motion Sammut/Second Chase (based on Findings for Approval 1-8, Conditions for Approval 1-11)**

VOTE:

AYES: 4  
NOES: 0  
ABSTAIN:

**(Chair Petersen advised of 10-day appeal period.)**

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times on October 9, 2004 and notice mailed to property owners within 300 feet of the project site on October 9, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commissions' final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The planned development permit to install a telecommunications facility at 2101 Sneath Lane will not be injurious or detrimental to properties and improvements in the neighborhood or to the general welfare of the City because the equipment is minimal in size and there are no discernable health risks associated with this type of technology.
5. The general appearances of the antennae are in keeping with the character of the area and will not be detrimental to the adjacent real property.
6. The proposed cell site will not unreasonably restrict or interfere with light and air on the property and other properties in the vicinity, will not hinder or discourage the appropriate development and use of surrounding land and buildings, nor impair the value thereof, and is consistent with the design and scale of existing structures. The antennae should not have any impact on light and air to adjacent properties.
7. The construction of the antennae is consistent with the San Bruno General Plan, which allows for accessory structures.
8. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 11, Section 15311: Construction of minor structures accessory to existing commercial facilities.

**CONDITIONS FOR APPROVAL**

**Community Development Conditions (1-10)**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed the Use Permit (UP-04-44) shall not be valid for any purpose. The use permit expires one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one-year date.



Section 12.200.030.A.1, 12.200.040.B.3, 12.200.040.B.2, & 12.200.080.C, of the San Bruno Zoning Ordinance

Housing And Redevelopment Manager Mark Sullivan entered staff report. Staff recommends that the Planning Commission **approve** Use Permit 04-47 and Parking Exemption 04-11 based on Findings of Fact (1-8) and Conditions of Approval (1-19).

Vice Chair Sammut asked for clarification on the design of the house, which was provided by Associate Planner Aknin and Housing and Redevelopment Manager Sullivan.

**Public Hearing Opened**

Applicant Kevin Lahane, 834 Green Ave., made himself available for questions from the commission. Chair Petersen verified with the applicant that there is a bay window present at the front of the house.

**Public Hearing Closed**

Commissioner Marshall stated that the applicant is a close friend of his, but does not provide him with any source of income. Commissioner Marshall stated that he can remain impartial during the proceedings.

**Motion Sammut/Second Chace (based on Findings for Approval 1-8, Conditions for Approval 1-19)**

VOTE:

AYES: 4

NOES: 0

ABSTAIN:

**(Chair Petersen advised of 10-day appeal period.)**

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, October 9, 2004 and notices were mailed to property owners within 300 feet of the project site on October 8, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15332: In-fill Development Projects.
5. The general appearance of the new home is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.

6. The proposed new home will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the new home is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence. This is achieved through a covered two-car tandem parking garage and driveway area with curb cuts that can accommodate one vehicle.

## **CONDITIONS FOR APPROVAL**

### **COMMUNITY DEVELOPMENT CONDITIONS (1-9):**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-47 and Parking Exception 04-11 shall not be valid for any purpose. Use Permit 04-47 and Parking Exception 04-11 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings
3. The request for a Use Permit for a new home shall be built according to plans approved by the Planning Commission on October 19, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of two (2) motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. A landscape plan shall be submitted with the building division set of drawings. This landscape plan shall be approved by the Planning Division prior to issuance of a building permit. All landscaping shall be installed prior to final approval of the home.

9. No combustible construction within 3 feet of the property line unless fire rated.

#### **FIRE DEPARTMENT CONDITIONS (10-12)**

10. Provide NFPA 13D fire sprinkler system throughout the entire residence to the satisfaction of the Fire Chief due to lack of fire access between buildings.
11. Provide hardwire smoke detectors that interconnect.
12. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

#### **PUBLIC WORKS CONDITIONS (13-19)**

13. No fence, retaining wall, or other permanent structure shall be placed within 2.0' from the back of the sidewalk.
14. An encroachment permit shall be obtained through the Public Works Department prior to issuance of the Building Permit.
15. Install a sanitary sewer lateral clean-out at property line per City standards.
16. Storm water from new roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter per City standards.
17. Replace all broken or raise concrete sidewalk and install driveway approach as marked.
18. Permit from Parks Department required for planting of one 36-inch box size tree or payment of equal value to tree fund for tree installation.
19. City-approved backflow required for fire line. Include calculations showing new meter size that will be sufficient for require flow. Show location of backflow unit(s) on plans.

#### **9. 551 San Mateo Avenue**

Request for a Parking Exception related to change in use from general retail to restaurant per Chapter 12.100.120 of the San Bruno Zoning Ordinance; and a Use Permit for a restaurant with alcoholic beverage sales per San Bruno Ordinance No. 1685. An architectural review permit to allow alterations to the front, side and rear facades of a commercial building per Chapter 12.108.010 of the San Bruno Zoning Ordinance and the Redevelopment Agency Building Facade Improvement Program was approved by the ARC on October 14, 2004

Housing and Redevelopment Manager Mark Sullivan entered staff report. Staff recommends that the Planning Commission **approve** Architectural Review Permit 04-10, Use Permit 04-49 and Parking Exemption 04-10 based on Findings of Fact (1-20) and Conditions of Approval (1-33).

Commissioner Marshall clarified recommendations made during the Architectural Review Committee meeting regarding raising the porch area to mitigate flooding. Vice Chair Sammut

congratulated the applicant on a well-designed project and Housing and Redevelopment Manager Sullivan for his efforts with the Building Façade Program.

Public Hearing Opened

Applicant Mark Kronander, 551 San Mateo Ave., pointed out several unique and interesting project aspects.

Vice Chair Sammut asked about the Architectural Review Committee's request for windows on the side of the building. The applicant stated that he was not sure if it would not be legal to have windows within three feet of the property line without consent of the neighboring property owner. Community Development Director Williams stated that he would allow these side windows if the applicant can get an okay in writing from the adjacent property owner. Commissioner Marshall stated that the property next door is private property, not a public easement. Housing and Redevelopment Manager Sullivan stated that a condition could be placed on the agreement that if the adjacent property were to be developed, the windows would have to be filled in. The applicant stated that he would add windows if it were legal. Chair Petersen instructed staff to look into the legality of providing these side windows. Commissioner Chase asked if the point of side windows would be to let in light or for people to be able to look in/out. If the point was light, he suggested that opaque windows be used. The applicant clarified that the point of windows on the side would be for visual connection; light could be provided by other means.

Mr. Costa, 575 San Mateo Ave., the property owner of the application being considered, stated that flooding is not a problem on the side of San Mateo Ave on which the application being considered sits. He thanked the applicant and staff for their hard work on this application. He said he is for any improvements to the downtown area, and urged the Commissioners to give their approval.

Public Hearing Closed

**Motion Sammut/Second Marshall (based on Findings for Approval 1-20, Conditions for Approval 1-33)**

VOTE:  
AYES: 4  
NOES: 0  
ABSTAIN:

(Chair Petersen advised of 10-day appeal period.)

**FINDINGS FOR APPROVAL**

**GENERAL FINDINGS**

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, October 9, 2004 and notices were mailed to property owners within 300 feet of the project site on October 8, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.

3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.

**ARCHITECTURAL REVIEW PERMIT FINDINGS (San Bruno Zoning Code Section 12.108)**

5. The location, size and intensity of the proposed operation will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.
6. The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses.
7. The upkeep and operating characteristics of the activity or use is expected to be compatible with and will not adversely affect the livability or appropriate development of abutting properties or surrounding neighborhood.
8. The proposed building alterations as conditioned will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
9. The improvement, as shown on the elevations as submitted, is not detrimental to the character or value of an adjacent residential district.
10. The general appearance of the building is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property or to the orderly and harmonious development of the City, and will not impair the desirability of investment or occupation in the neighborhood.
11. The proposed restaurant at the subject location is consistent with the San Bruno General Plan, San Bruno Redevelopment Plan and the Building Façade Improvement Program Guidelines.

**USE PERMIT FINDINGS (Ordinance No. 1685)**

12. The proposed activity or use will not under any circumstances, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood.
13. The proposed restaurant activity is not expected to result in repeated nuisance activities.
14. The activity or use is not expected to result in violations to any applicable provision of any other City, state, or federal regulation, ordinance or statute.
15. The proposed restaurant use will not be injurious or detrimental to the property and improvement in the neighborhood or to the general welfare of the City.
16. The activity or use is not expected to jeopardize, endanger or result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
17. The activity or use is not expected to result in repeated nuisance activities or police interventions within the premises or in close proximity of the premises, including but not



limited to criminal activities, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

18. The upkeep and operating characteristics of the activity or use is expected to be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

#### **PARKING EXEPTION FINDINGS (San Bruno Zoning Code Section 12.100.120)**

19. The strict application of the provisions of Chapter 12. 100 of the San Bruno Municipal Code for off-street parking and load would cause particular or undue hardship in connection with the use and enjoyment of said location.
20. the establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in Chapter 12. 100 as are reasonably possible.

#### **CONDITIONS OF APPROVAL**

##### **COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS (1-18)**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary Hearing" to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Architectural Review permit 04-10, Parking Exception 04-10 and Use Permit 04-49 shall not be valid for any purpose. Architectural Review permit 04-10, Parking Exception 04-10, and Use Permit 04-49 shall expire one (1) year from the date of approval unless the plan is executed.
2. The restaurant shall be built according to the plans accompanying this report and approved by the Planning Commission, except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Community Development Director.
3. The applicant and any successor in interest, shall agree to operate the restaurant at 551 San Mateo Avenue in the manner as described in the staff report and in the applicant's support statement. Any deviation or change in business activities shall require prior authorization by the Community Development Director and may require full Planning Commission review. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.
4. The applicant shall obtain a City building permit before construction can proceed.
5. All signs shall be reviewed and approved by the Planning Division in accordance with the Sign Regulations of the San Bruno Zoning Ordinance.
6. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
7. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.
8. Materials and debris shall not be stockpiled within the City right-of-way.
9. The applicant shall conduct regular maintenance of the site to maintain the premises and remove debris and litter at the front and rear of the building.

10. All trash and trash containers shall be stored within appropriate designated trash areas. Sufficient trash container capacity shall be provided to ensure that all trash and debris from the building can be stored within the trash container area and with completely closed lids.
11. The property owner shall comply with the requirements of the San Bruno Recycling Ordinance.
12. The applicant shall coordinate with the City staff of the Building Façade Improvement Program during the construction of improvements.

13. The permitted hours of operation of the restaurant shall be as follows
  - Restaurant: Sunday – Thursday, 10:00 A.M. to 10:00 P.M.
  - Restaurant: Friday – Saturday, 10:00 A.M. to 11:00 P.M.
  - Outside Patio Dining Area: Monday – Sunday, 10:00 A.M. to 10:00 P.M.

Any changes to these hours of operation shall require prior authorization from the Community Development Director.

14. The applicant/owner shall provide prompt cleaning/repainting of any graffiti on the building exterior.
15. The applicant shall comply with all Alcohol and Beverage Control requirements.
16. The applicant shall comply with all the performance standards of City of San Bruno Ordinance 1685.
17. The applicant shall meet all San Mateo County Health Department requirements regarding the creation and operation of a restaurant.
18. The licensee shall be responsible for maintaining a litter free environment adjacent to premises over which they control.
19. Prior to issuance of an occupancy permit, the applicant is required to obtain a Letter of Public Convenience or Necessity issued by the City of San Bruno for an application which would tend to create a law enforcement problem, or if issuance would result in or add to an "Undue Concentration" of licenses, required due to either of the following conditions:
  - The applicant premises are located in a crime reporting district that has a 20% greater number of reported crimes in a geographical area within the boundaries of the City than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the San Bruno Police Department that are identified by the department in the compilation and maintenance of statistical information on reported crimes and arrests.
  - The applicant premises are located in an area of Undue Concentration, which is defined to exist when an original application or premises-to-premises application is made for a retail on-sale license in a census tract where the ratio of existing on-sale retail licenses to population in the census tract exceeds or will exceed the ratio of retail on-sale licenses to population in San Mateo County.
20. The applicant shall comply with any additional conditions required by Public Works, Fire Department, Police Department at the time of the issuance of a building permit for this project.

#### **FIRE DEPARTMENT CONDITIONS (20-23)**

21. Provide minimum 8 inch address numbers with evening illumination. Submit plan details of color and contrast of address numbers.
22. Provide emergency lighting for dining area and exit pathway.
23. If restaurant includes a grill or deep fat frying, provide automatic extinguishing system.

#### **PUBLIC WORKS DEPARTMENT CONDITIONS (24-27)**

24. Encroachment permit for Engineering Department required prior to work per Municipal Code 8.16.010.
25. Install sanitary sewer lateral cleanout per City standards. Show location, size and details of City Cleanout.

26. Install backflow devices for domestic, irrigation, and fire lines. Show size, locations and details of service lines on plans.
27. Install grease trap per Public Works.

**POLICE DEPARTMENT CONDITIONS (28-33)**

28. Loitering in or about the premises is prohibited.
29. All provisions of the San Bruno Municipal Code shall be strictly adhered to.
30. All violations of the law, or threatened violations of the law shall be immediately reported to the San Bruno Police Department and full cooperation by employees and management shall be given.
31. Any request by anyone in the establishment for an employee to contact the Police shall be immediately honored, without question.
32. Labor Code section 6404.5 regulating smoking shall be enforced at all times.
33. Management shall post all conditions of approval under load occupancy sign.

**10. Staff Discussion**

City Attorney Thompson addressed a new City ordinance regarding the City's recently enacted performance standards for alcoholic beverage standards. She stated that the commission may from time-to-time see cases involving this ordinance. Effective 12-18-03, the City enacted Ordinance 5.22 dealing with bars in the downtown district. Previously bars used to be allowed by right in the downtown district, which sometimes presented a problem due to the difficulty of applying conditions to it, as no use permit was required. She stated that some currently existing bars were requiring excessive amounts of police resources. The new ordinance requires a use permit for any new bar so that conditions could be attached. However, this law cannot be applied retroactively, so bars that are currently existing do not fall under the new ordinance. In order to deal with currently established bars, the City can use a land-use mechanism with regard to public nuisances. She stated that the new ordinance was mailed out to all Council members and Planning Commissioners. Commissioner Chase asked for an additional copy of the new ordinance, as he did not recall receiving one previously.

City Attorney Thompson also addressed Ordinance 12.84.160, which addresses a height limit of 50 feet for cellular antennas. She stated that Community Development Director Williams was going to get in touch with the applicant for tonight's Item 6 – 2101 Sneath Lane, to see if he would voluntarily lower the height of his project to 50 feet. If the applicant does not agree, the Commission may see this issue again.

Community Development Director Williams addressed the November Architectural Review Committee meeting, which is currently scheduled for November 11, 2004. This being Veterans Day (a City holiday), the meeting will be moved to Wednesday, November 10, 2004. Chair Petersen, Vice Chair Sammut, and Commissioner Marshall will attend.

**11. Planning Commission Discussion**

Chair Petersen recognized the work of Associate Planner Aaron Akin and Department Secretary Tanya Benedik, as they will soon be leaving the City. He wished them luck in their future endeavors. Commissioner Chase reiterated the statement made by Chair Petersen.

Associate Planner Akinin thanked the Commissioners for their words of recognition. He also took the opportunity to introduce interim staff member Adam Finestone, who will be taking over both some of his and Department Secretary Benedik's duties.

Commissioner Marshall thanked both Associate Planner Akinin and Department Secretary Benedik for their hard work in the past. Vice Chair Sammut also thanked the departing staff members.

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**Terry Jackson,**  
Interim Secretary to the Planning  
Commission  
City of San Bruno

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**Perry Petersen,** Chair  
Planning Commission  
City of San Bruno

NEXT MEETING: November 16, 2004

TJ/af

Adjourned at: 9:25 pm